

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State ARIZONA

TRANSFER OF RESOURCES (PRIOR TO AUGUST 11, 1993)

Section 1917 (c)
of the Act

- (1) The agency provides for a period of ineligibility for nursing facility services and for a level of care in a medical institution equivalent to that of nursing facility services and for services under Section 1915(c) of the Act in the case of an institutionalized individual (as defined in item (4), on page 3 of this Addendum to Supplement 9 to Attachment 2.6-A) who, or whose spouse, transfers resources (as defined in item (5), on page 3 of this Addendum to Supplement 9 to Attachment 2.6-A) for less than fair market value at any time during or after the 30-month period immediately before the date the individual becomes an institutionalized individual or, if later, the date the institutionalized individual applies for medical assistance.

Except as provided in item (2) on page 2 of this Addendum to Supplement 9 to Attachment 2.6-A, the period of ineligibility shall begin with the month in which such resources were transferred and the number of months in such period shall be equal to the lesser of:

- A) 30 months; or
- B) the total uncompensated value of the resources so transferred, divided by (check one of the following):

_____ \$_____, which is the average cost, to a private patient at the time of application, of nursing facility services in the State; or

 X the average cost, to a private patient at the time of application, of nursing facility services in the community in which the individual is institutionalized. The average monthly costs for nursing facility services in the various communities in the State are listed below:

Developmentally Disabled

\$ 2,475.90 (entire state)

Non-Developmentally Disabled

\$ 2,406.30 (Maricopa County)\$ 2,406.30 (Pima County)\$ 2,406.30 (Pinal County)\$ 2,321.10 (balance of State)

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Arizona

(2) An individual shall not be ineligible for medical assistance by reason of a transfer (as provided on page 1 of this Addendum to Supplement 9 to Attachment 2.6-A) to the extent that-

(A) the resources transferred were a home and title to the home was transferred to-

- (i) the spouse of such individual;
- (ii) a child of such individual who is under age 21 or is blind or disabled as defined in Section 1614 of the Act;
- (iii) a sibling of such individual who has an equity interest in such home and who was residing in such individual's home for a period of at least one year immediately before the date the individual becomes an institutionalized individual; or
- (iv) a son or daughter of such individual (other than a child described in item (2)(A)(ii) above) who was residing in such individual's home for a period of at least 2 years immediately before the date the individual becomes an institutionalized individual, and who (as determined by State instructions) provided care to such individual which permitted such individual to reside at home rather than in such an institution or facility;

(B) the resources were transferred-

- (i) to or from (or to another for the sole benefit of) the individual's spouse, or
- (ii) to the individual's child described in item (2)(A)(ii), above;

(C) a satisfactory showing is made to the State (in accordance with any regulations promulgated by the Secretary) that-

- (i) the individual intended to dispose of the resources either at fair market value, or for other valuable consideration; or
- (ii) the resources were transferred exclusively for a purpose other than to qualify for medical assistance.

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Arizona

(3) An institutionalized individual who (or beginning December 20, 1989 whose spouse) transferred resources for less than fair market value shall not be found ineligible for nursing facility services, for a level of care in a medical institution equivalent to that of nursing facility services, or for home and community-based services where the State determines that denial of eligibility would work an undue hardship under the provision of Section 1917(c)(2)(D) of the Social Security Act.

(4) For purposes of Section 1917(c) of the Act, the term "institutionalized individual" means an individual who is an inpatient in a nursing facility, who is an inpatient in a medical institution and with respect to whom payment is made based on a level of care provided in a nursing facility, or who is described in Section 1902(a)(10)(A)(ii)(VI) of the Act.

(5) For purposes of Section 1917(c) of the Act, the term "resources" has the meaning given such term in Section 1613 of the Act, without regard to the exclusion described in subsection (a)(1) thereof.

(6) For transfers occurring prior to April 1, 1990, but on or after July 1, 1988 only when the initial application for long-term care is made prior to April 1, 1990, the policies described in Supplement 9 to Attachment 2.6-A which were effective prior to April 1, 1990 remain in effect.

(7) For those transfers occurring on or after July 1, 1988, when the initial application for long-term care is made on or after April 1, 1990, the policies described in the ~~July 1, 1991~~ addendum to Supplement 9 of Attachment 2.6-A apply.

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: ARIZONA

TRANSFERS OF ASSETS (ON OR AFTER AUGUST 11, 1993)

Section 1917(c)
of the Act

For transfers of assets on or after August 11, 1993, the State complies with 1917(c) of the Social Security Act, as amended by Section 13611 of the Omnibus Budget Reconciliation Act of 1993. Page 2 of Supplement 9 to Attachment 2.6-A specifies what constitutes undue hardship.

The period of ineligibility shall begin with the month in which such assets were transferred and the number of months in such period shall be equal to the total uncompensated value of the assets so transferred, divided by (check one of the following):

 \$, which is the average cost to, a private patient at the time of application, of nursing facility services in the State; or

 x the average cost, to a private patient at the time of application, of nursing facility services in the community in which the individual is institutionalized. The average monthly costs for nursing facility services in the various communities in the State are listed below:

Developmentally Disabled

\$2,651.42 (entire State)

Non-developmentally Disabled

\$3,061.16 (Maricopa County)

\$3,061.16 (Pima County)

\$3,061.16 (Pinal County)

\$2,914.37 (balance of State)